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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,237	03/15/2001	Hideo Ando	204591US-2S	6630

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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,237

Applicant(s)

ANDO ET AL.

Examiner

HUY T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 19 directs to information stored on a medium. Since the information does not provided any functional relationship to the medium to provide certain function to control the medium to access stored information or impart to any software and hardware structural components . The information does not make it statutory. See MPEP 2100.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 14 –15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawakami (6,236,663).

Regarding claims 14 and 15, Kawakami discloses a bitstream data processing apparatus (Fig.1) using a recordable information medium (HHD) having a data area and

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a management area (FAT) , a data structure stored on said information medium including, a stream object, formed of the bitstream information (Fig. 8), including at least one first data unit, at least one second data unit having the at least one first data unit, and at least one third data unit having the at least one second data unit (column 5, line 47 to column 6 line 23), the at least one third data unit storing header information (packet header, column 9, lines 10-41) relating to the at least one first data unit (vide packet) in the at least one third data unit (Fig. 8),
said apparatus comprising:

a formatter (12,18) configured to format an input signal into a bitstream of data packets for an MPEG transport stream (column 10 lines 10-41, Fig. 8); and
a recorder section (HDD,16) configured to record the bitstream in the data area of said information.

Further for claim 17, Kawakami discloses the apparatus comprises

a reproducer section (Figs 1 and 4) configured to reproduce the bitstream from the data area of said information medium; and

a transfer section configured to transfer the data packets in the reproduced bitstream from the reproducer section to a decoder (22) in which a content of the data packets is decoded.

5. Claim 17-18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Saeki et al (6,078,727)..

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Regarding claims 17 and 19, Saeki '727 discloses a bitstream data processing apparatus (Figs 15,17) using a recordable information medium (Fig. 3) having a data area (Fig. 10) and a management area (Fig. 11) , a data structure stored on said information medium including,

a stream object, formed of the bitstream information (Fig. 10, column 10, lines 10-21), including at least one first data unit, at least one second data unit having the at least one first data unit, and at least one third data unit having the at least one second data unit , the at least one third data unit storing header information (pack header, column 10, lines 15-25) relating to a first unit (vide packet) in the at least one third data unit. said apparatus comprising:

a formatter (Figs . 16,17) configured to format an input signal into a bitstream of data packets for an MPEG t stream (column 10 lines 10-41, Fig. 8); and
a recorder section (3) configured to record the bitstream in the data area of said information (column 12, lines 20-32).

a reproducer section (Fig 18) configured to reproduce the bitstream from the data area of said information medium; and

a transfer section configured to transfer the data packets in the reproduced bitstream from the reproducer section to a decoder (4) in which a content of the data packets is decoded.

Further for claim 19 and 18 , Saeki teaches packet length information indicating the length of packets (VOBU size)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami (6,236,663).

Regarding claim 19 Kawakami discloses a bitstream data processing apparatus (Fig.1) using a recordable information medium (HDD) having a data area and a management area (FAT), a data structure stored on said information medium including, a stream object, formed of the bitstream information (Fig. 8), including at least one first data unit, at least one second data unit having the at least one first data unit, and at least one third data unit having the at least one second data unit (column 5, line 47 to

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column 6 line 23), the at least one third data unit storing header information (packet header, column 9, lines 10-41) relating to the at least one first data unit (vide packet) in the at least one third data unit (Fig. 8),

Kawakami fails to specifically teach that the management information having packet length information of packets as recited in claim 19, 16 and 18. However, it is noted that providing information indicating the length of packets is well known in the art as taught by Kawamura (Fig. 19). Therefore, it would have been obvious to one of ordinary skill in the art by using the teaching of Kawamura to provide the medium of Kawakami with packet length information in the management area for later use.

8. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saeki et al (6,078,727) in view of Saeki et al (6,067,400).

Regarding claims 14 –16, Saeki '727 discloses a bitstream data processing apparatus (Fig.30,31) using a recordable information medium (Fig. 3) having a data area (Fig. 10) and a management area (Fig. 11), a data structure stored on said information medium including, a stream object, formed of the bitstream information (Fig. 10, column 10, lines 10-21), including at least one first data unit, at least one second data unit having the at least one first data unit, and at least one third data unit having the at least one second data unit (column 12, lines 52 –68), the at least one third data unit storing header information (pack header, column 13, lines 55-68) relating to a first unit (vide packet) in the at least one third data unit.

said apparatus comprising:

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a formatter (Figs . 16,17) configured to format an input signal into a bitstream of data packets for an MPEG transport stream (column 10 lines 10-41, Fig. 8); and a recorder section (3) configured to record the bitstream in the data area of said information (column 12, lines 20-32).

Saeki '727 fails specifically teaches that the video stream is a transport stream as recited in claim 14. Saeki '400 teaches an processing apparatus having means for receiving transport stream and processing the MPEG transport stream into stream information to be stored on the medium (column 29, lines 26-48).

It would have been obvious to one of ordinary skill in the art modify Saeki '727 with Saeki ' 400 by providing Saeki '727 with a transport stream processing means as taught by Saeki '400 in order to enhancing the capability of the apparatus of Saeki'727 to perform additional function of processing received transport streams.

Regarding claims 15 and 16, Saeki '727 discloses means for generating management information that includes packet length information (VOBU size), (figs. 11, 24).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2600 CENTER customer service whose telephone number is (703) 306-0377.


HUY NGUYEN
PRIMARY EXAMINER

H.N
June 20, 2003